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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE
## (Legislative Department)

*New Delhi, the 9th December,* 1971/*Agrahayana* 18, 1893 (*Saka*)

The following Act of Parliament received the assent of the President on the 8th December, 1971, and is hereby published for general information:—

# THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1971
## No. 45 OF 1971

[*8th December,* 1971]

An Act further to amend the Industrial Disputes Act, 1971.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title and Commencement.

1. (*1*) This Act may be called the Industrial Disputes (Amendment) Act, 1971.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act),— 14 of 1947.

(*a*) in sub-clause (*i*) of clause (*a*), for the words and figures 'the Employees' State Insurance Corporation established under section 3 of the Employees' State Insurance Act, 1948, or the "Indian Airlines" and "Air-India" Corporations established under section 3 of the Air Corporations Act, 1953, or', the words and figures 'the Industrial Finance Corporation of India established under section 3 of the Industrial Finance Corporation Act, 1948, or the Employees' State Insurance Corporation established under section 3 of the Employees' State Insurance Act, 1948, or the "Indian Airlines" and "Air-India" Corporations established under section 3 of the Air Corpora- 34 of 1948. 27 of 1953. 15 of 1948. 34 of 1948.

tions Act, 1953, or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956, or' shall be substituted; 27 of 1953. 31 of 1956.

(*b*) after clause (*g*), the following clause shall be inserted, namely:—

'(*gg*) "executive", in relation to a trade union, means the body, by whatever name called, to which the management of the affairs of the trade union is entrusted;';

(*c*) after clause (*ll*), the following clause shall be inserted, namely:—

'(*lll*) "office bearer", in relation to a trade union, includes any member of the executive thereof, but does not include an auditor;';

(*d*) in clause (*n*), after sub-clause (*i*), the following sub-clause shall be inserted, namely:—

"(*ia*) any service in, or in connection with the working of, any major port or dock;".

Insertion of new section 11A.

3. After section 11 of the principal Act, the following section shall be inserted, namely:—

Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen.

"11A. Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require:

Provided that in any proceeding under this section the Labour Cour, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.".

Amendment of section 25FFF.

4. In section 25FFF of the principal Act,—

(*a*) in sub-section (*1*), for the existing *Explanation*, the following *Explanation* shall be substituted, namely:—

"*Explanation.*—An undertaking which is closed down by reason merely of—

(*i*) financial difficulties (including financial losses); or

(*ii*) accumulation of undisposed of stocks; or

(*iii*) the expiry of the period of the lease or licence granted to it; or

(*iv*) in a case where the undertaking is engaged in mining operations, exhaustion of the minerals in the area in which such operations are carried on;

shall not be deemed to be closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this sub-section.";

(*b*) after sub-section (*1*), the following sub-sections shall be inserted, namely:—

"(*1A*) Notwithstanding anything contained in sub-section (*1*), where an undertaking engaged in mining operations is closed down by reason merely of exhaustion of the minerals in the area in which such operations are carried on, no workman referred to in that sub-section shall be entitled to any notice or compensation in accordance with the provisions of section 25F, if—

(*a*) the employer provides the workman with alternative employment with effect from the date of closure at the same remuneration as he was entitled to receive, and on the same terms and conditions of service as were applicable to him, immediately before the closure;

(*b*) the service of the workman has not been interrupted by such alternative employment; and

(c) the employer is, under the terms of such alternative employment or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by such alternative employment.

(*1B*) For the purposes of sub-sections (*1*) and (*1A*), the expressions "minerals" and "mining operations" shall have the meanings respectively assigned to them in clauses (*a*) and (*d*) of section 3 of the Mines and Minerals (Regulation and Development) Act, 1957.".

67 of 1957.

Amendment of section 33.

5. In the *Explanation* to sub-section (*3*) of section 33 of the principal Act, for the words "an officer", the words "a member of the executive or other office bearer" shall be substituted.

Amendment of section 36.

6. In sub-section (*1*) of section 36 of the principal Act, for the words "an officer", wherever they occur, the words "any member of the executive or other office bearer" shall be substituted.

Amendment of First Schedule.

7. In the First Schedule to the principal Act, item 18 shall be omitted.

N. D. P. NAMBOODIRIPAD,

*Joint Secy. to the Govt. of India.*

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